



A

MB 04-028

SANTA CLARA UNIVERSITY

RECEIVED

JUN 10 2004

Federal Communications Commission  
Office of the Secretary

## **Diversity of Programming in the Broadcast Spectrum:**

**Is there a Link between Owner  
Race or Ethnicity and News  
and Public Affairs Programming?**

A report prepared by

Christine Bachen  
Allen Hammond  
Laurie Mason  
Santa Clara University

and

Stephanie Craft  
University of Missouri

submitted to the

Office of Communications Business Opportunities  
Federal Communications Commission  
Washington, D.C.

December 1999

## Author Notes

This study was performed under contract with the Federal Communications Commission (2700-FCC-97-P-0722) and augmented with grants from the College of Arts and Sciences dean's office at Santa Clara University and from the Minority Broadcast Education and Advocacy Fund.

Christine Bachen (Ph.D., Stanford University, 1982) and Laurie Mason (J.D., Santa Clara University School of Law, 1997; Ph.D., Stanford University, 1991) are associate professors in the Communication Department, Santa Clara University.

Allen Hammond (J.D., University of Pennsylvania School of Law, 1975) is a professor at the Santa Clara University School of Law.

Stephanie Craft (Ph.D., Stanford University, 1999) is an assistant professor at the University of Missouri School of Journalism.

Contribution of the authors to this study is equal.

Correspondence concerning the legal analysis contained in this report should be addressed to Prof. Allen Hammond, School of Law, Santa Clara University, Santa Clara, CA 95053.

Correspondence concerning the study research methodologies and findings may be addressed to Prof. Laurie Mason, Department of Communication, Santa Clara University, Santa Clara, CA 95053.

The authors wish to thank colleagues Paul Soukup and Pedro Hernández-Ramos for their help with data entry, and George Fegan and Robert Mason for their assistance with methodological issues.

Steve Wildman provided consultation on broadcast industry economic issues.

Prof. Hammond wishes to thank Jennifer Hodges and Laura Arsaga for help with the legal history encompassed in Appendix I.

## EXECUTIVE SUMMARY

This study provides empirical evidence of a link between race or ethnicity of broadcast station owners and contribution to diversity of news and public affairs programming across the broadcast spectrum, a finding stronger for radio than for television. In addition, a link was found for both media between racial and ethnic composition of newsroom staff and contribution to spectrum diversity. Minority ownership and minority presence in the newsroom predicts greater attention to topics of presumed interest to minority audience members.

Broadcast industry data were merged with data from 211 telephone interviews of news directors or public affairs programming directors at minority- and majority- owned radio and television stations across the country between July and October 1998.

Analyses point to important differences in the news and public affairs programming of minority- and majority-owned stations that regularly broadcast some news or public affairs programming; in particular, radio stations. Despite the fact that minority-owned stations report having fewer resources at their disposal, they report delivering a wider variety of news and public affairs programming and more ethnic and racial diversity in on-air talent, although some of these differences achieve statistical significance within only one medium. Minority-owned radio stations do more public affairs programming, and in particular, they appear to focus on ethnic and racial minorities.

While both minority radio and television station owners own fewer stations per person, it is only the minority radio station owners who appear to be more integrated in their stations, holding more titles and becoming more actively involved in decision-making regarding news and public affairs. Television owners are, for the most part, not involved in their stations' day-to-day programming decisions. In short, from choosing a program format that appeals to minority audiences through a range of decisions pertaining to news and public affairs, minority-owned radio stations and, to a lesser extent, television stations, depart from their majority-owned counterparts.

These findings support Federal Communication Commission policies to increase numbers of minority owners and staffers in broadcast stations, a practice long-assumed to increase diversity within the broadcast spectrum.

## **Table of Contents**

Executive Summary .....	i
Introduction .....	1
Methodology and Results .....	5
Summary and Conclusions .....	37

### **List of Tables**

Table 1: Summary statistics for dependent and independent measures .....	31
Table 2: Separate comparisons between each independent variable and the dependent measure of programming diversity for radio .....	32
Table 3: Separate comparisons between each independent variable and the dependent measure of programming diversity for television .....	33
Table 4: Results of regression for radio sample ...	35
Table 5: Results of regression for TV sample .....	35

### **List of Appendices**

Appendix I: Legal Analysis	
Appendix II: Methodology	
Appendix III: Survey Instrument	
Appendix IV: Non-Response Bias Analysis	

## INTRODUCTION

As the 20<sup>th</sup> Century draws to a close, the racial and ethnic diversity of American society is rapidly growing. Accompanying this growing diversity of individuals, groups, languages and beliefs, is the potential for the expression of diverse viewpoints and the friction such expression can engender. This uniquely American diversity resonates with the "Marketplace of Ideas," view of a healthy democracy that finds its most prominent expression in the guarantees of free speech and free press provided by the First Amendment to the U.S. Constitution.

The courts have interpreted the speech and press clause as granting rights upon message senders and recipients. Through the articulation of opinions we grow as individuals; by exposing ourselves to the divergent opinions of others we grow as a society. The spirit of the First Amendment is perhaps best seen as it protects unpopular, controversial, and minority perspectives.

This report examines a critical forum for the exercise of such speech: the mass media of radio and television.

Along with their role of assigning licenses, government regulatory agencies have promulgated standards for broadcasting in the public interest. These have included political broadcasting rules and the Fairness Doctrine, which required broadcasters to seek out controversial issues and to broadcast a balanced account of the viewpoints that surround them. The courts have accepted these governmental efforts to facilitate viewpoint diversity in broadcasting.

In addition, the Federal Communications Commission has for years attempted to foster diversity of programming through intermediate routes. One effort has been to increase the number of radio and television stations owned by racial and ethnic minorities. Another is to expand minority representation among broadcast station staff. The explicit expectation is that increasing the number of minority owners or minority representation in the staff will increase the diversity of viewpoints expressed in the broadcast spectrum.

As political and judicial philosophies have changed during the past two decades, some members of Congress and the judiciary are increasingly challenging FCC minority ownership and employment policies. Among the questions raised is whether increased minority representation among owners and staffers actually increases broadcast spectrum diversity. For a more extensive discussion of the FCC's rationale and the courts' response, see Appendix I.

This judicial scrutiny has prompted the FCC to seek empirical data to answer the question of effectiveness of its policies. Specifically, does a link exist between station owner race or ethnicity and the contribution of that station to spectrum programming diversity? Does a link exist between staffing diversity and contribution to broadcast diversity?

Studies that directly address these questions are rare. The findings are not consistent, and perhaps this is largely due to a lack of definition for the term "diversity." The most relevant effort was conducted in 1987 by the Congressional Research Service and was based upon responses to a questionnaire mailed to all broadcast license-holders.<sup>1</sup> The questionnaire announced itself as an FCC product, which could be responsible for the low response rate and perhaps could have affected answers from those who chose to respond. The CRS study found that minority-owned stations reported programming to suit the interests of minority audience members, but the study authors, who had not designed the survey instrument, tempered their claims about the results. While stations differentiated by ownership on a question regarding number of hours of programming targeted to minorities, this single measure reveals little about the nature of programming offered.

Dubin and Spitzer<sup>2</sup> undertook a reanalysis of the FCC data, dropping television stations from the sample and including census data on the demographic composition of audiences in radio broadcast markets. After offering the repeated caveat that the definition of minority programming employed in the survey was deficient (unlike the CRS, they relied solely on format labels),

---

<sup>1</sup> Congressional Research Service, *Minority Broadcast Station Ownership and Broadcast Programming: Is There a Nexus?* (On file with the Library of Congress, 1988)

<sup>2</sup> J. Dubin & M.L. Spitzer, *Testing minority preferences in broadcasting*, 68 S. CAL. L. REV. 841 (1994).

Dubin and Spitzer reported that "minority ownership has a distinct and significant impact on minority programming, even after [controlling for] the composition of minorities in the marketplace" (p. 869). The researchers also found that simply increasing the number of radio stations in a market did not increase the amount of minority programming. However, the presence in a market of stations programming for one minority group increased the total amount of programming for all minority groups in that market.

Dubin and Spitzer also analyzed the integration of owners into station management based on responses to a question asking the job title and number of hours per week owners worked at the stations, an analysis not attempted by the CRS. They found the number of hours owners worked at their stations had no apparent effect on the amount of minority-oriented programming broadcast.

The few studies specifically addressing minority broadcast ownership indicate that stations owned by minorities offer more minority-oriented programming than other stations. But this research focuses on entertainment programming, and not news - the kind of programming that is arguably most consonant with the purposes the marketplace of ideas is meant to serve. Moreover, the inconsistent and superficial definitions of "minority programming" found in the literature suggest that a broader approach to the concept may be in order.

Diversity of programming has also been examined in connection with other factors such as ownership structure and competition within a market. Some have found interesting connections.<sup>3</sup> But

---

<sup>3</sup> See, e.g., K.J. Nestvold, *Diversity in local television news*, 17 J. B'Cast 345 (1973); J.C. Busterna, *Television station ownership effects on programming and idea diversity: Baseline data*, 2 J. Media Econ. 63, 71 (1988); J.M. Bernstein & S. Lacy, *Contextual coverage of government by local television news*, 69 Journalism Q. 329 (1992); P.W. Cherington, L.V. Hirsch & R. Brandwein, *TELEVISION STATION OWNERSHIP* (1971); J.C. Busterna, *Ownership, CATV and expenditures for local television news*, 57 Journalism Q. 287 (1980); J.M. Bernstein, S. Lacy, C. Cassara & T. Lau, *Geographic coverage by local television news*, 67 Journalism Q. 663 (1990); W.R. Davie & J. Lee, *Television news technology: Do more sources mean less diversity?*, 37 J. B'cast & Elec. Media 453 (1993); D. Berkowitz, *Assessing forces in the selection of local television news*, 35 J. B'cast & Elec. Media 245 (1991).

as these studies have not factored in owner race or ethnicity or racial make-up of a station's staff, a picture of the relative contributions of all these factors has yet to be drawn.

The goals of this study are to provide a more in-depth and focused measure of news and public affairs programming that would encompass minority issues and perspectives, to individually examine relationships between these measures and a host of potential independent factors including owner and staffing race and ethnicity, organizational structure and station resources, and examine all these elements in a model that attempts to assess relative impact with regards to programming diversity.